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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,282	07/12/2001	Jerome P. Fanucci	KAZAK-004XX	2073
207	7590	03/23/2004	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			GOFF II, JOHN L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/904,282

Applicant(s)

FANUCCI ET AL.

Examiner

John L. Goff

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 17 February 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,2,5,7,11-14 and 16-20.Claim(s) withdrawn from consideration: 3,4,9,10 and 21-23.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant argues, "Vane does not disclose, teach, or suggest placing a structural element between cores in a plane perpendicular to the direction of travel in the pultrusion process." It is noted the rejection is the admitted prior art in view of Reeves et al. and Vane. Reeves et al. was cited to show the use of structural elements at the edge-to-edge interface of the core elements, i.e. structural elements placed perpendicular to what would be the direction of travel in the pultrusion process taught by the admitted prior art. Vane is cited only to show it would have been obvious to use structural elements of the type taught by Reeves et al. in the pultrusion process taught by the admitted prior art as it was well known and conventional in pultrusion processes to incorporate structural elements as shown for example by Vane. Thus, Vane was not cited to show placing a structural element between cores in a plane perpendicular to the direction of travel in a pultrusion process. Vane was cited simply to show incorporating structural elements during the pultrusion process.

Applicant further argues, "Vane has been cited for teaching the application of stitching to pre-pultruded substrates. Vane, however, discloses the use of stitching to prevent bunching of yarns or threads" and "Furthermore, as noted previously by Applicant, continuous stitching as presently recited in claim 19 is advantageous in that there is no break in the reinforcing stitching throughout the structural element. In contrast, pre-stitched, prefabricated cores are available only in certain sizes, which are typically not identical to the size of the desired structural element. Thus, a plurality of such pre-stitched cores must be assembled, leaving breaks in the stitching at the boundary between adjacent cores. Vane does not address this problem with pre-stitched cores." It is noted the rejection is the admitted prior art in view of Vane. The admitted prior art (See in particular Vane U.S. Patent 5,834,082) discloses it is known to use core elements that include reinforcing stitching. Thus, Vane is not cited to teach stitching the core elements. Vane is merely cited to show a conventional manner of how to apply the stitching during a pultrusion process and that is in-line stitching before pultrusion.



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